

# Notice of Allowability

Application No.

10/565,583

Examiner

Roberto Rábago

Applicant(s)

WEG ET AL.

Art Unit

1796

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/14/2007.
2. ☒ The allowed claim(s) is/are 11-13, 15-23, 25-32 and 34.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other see attachment.

**Attachment to Notice of Allowability**

1. The amendment filed 9/14/2007 is approved for entry.
2. The drawing labeled 1/1, filed 1/23/2006, is approved by the examiner.

***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Upon further consideration, the rejection over Winkler '748 is withdrawn. The instant claims require that the polymer subject to hydrogenation have 35-80% 1,4-double bonds, which is reduced to no less than 30% upon hydrogenation. Winkler discloses a process wherein a polymer having 20-92% 1,4-double bonds is hydrogenated such that no more than 50% of the 1,4-double bonds are hydrogenated. Winkler does not provide detailed discussion of the degree of selectivity obtained in the process, and therefore the clearly overlapping disclosure of polymers to be hydrogenated is in the range of 60-80% 1,4-double bond content. Winkler discloses that and iron, nickel or cobalt catalyst may be used, but does not discuss any differences between them, and does not discuss which metal may be a better selection

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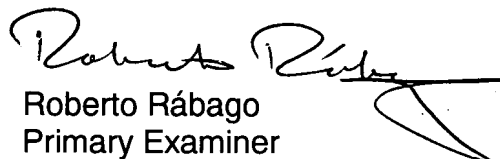
for particular ranges of 1,4-double bond content; therefore, the odds of selecting both a polymer within the claimed range of 1,4-double bond content and use of an iron catalyst amounts to no more than one in ten. Applicants have furthermore shown that under the conditions shown in their comparative examples, iron-based catalysts obtain substantially better selectivity than cobalt or nickel-based catalysts. Although applicants' comparative examples do not exactly duplicate the method of the reference, the conditions share enough similarities to reasonably conclude that at least some improvement would be expected when using an iron catalyst in comparison to the nickel and cobalt species disclosed and exemplified in the reference. In sum, given the relatively small degree of overlap in polymer selection, the reference's lack of discrimination between the three metals, and applicants' comparative examples which show an improvement when using an iron-based catalyst, the rejections over Winkler are withdrawn.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rábago whose telephone number is (571) 272-1109. The examiner can normally be reached on Monday - Friday from 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Roberto Rábago  
Primary Examiner  
Art Unit 1796

RR  
October 8, 2007